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Comments: Jason Kuiken

Stanislaus National Forest

Attn: SERAL

19777 Greenley Road, Sonora, CA 95370

Subject: Scoping comments for the Social and Ecological Resilience Across the Landscape

(SERAL) Project Environmental Impact Statement, Tuolumne County, California

Dear Mr. Kuiken:

The U.S. Environmental Protection Agency has reviewed the Forest Service's July 17, 2020 Notice of Intent to prepare an Environmental Impact Statement for the proposed SERAL Project. Our comments are provided pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508) and our NEPA review authority under Section 309 of the Clean Air Act.

According to the NOI and the Scoping Notice Package, the SERAL Project would, in part, reestablish fire processes through active management at the watershed scale to improve social and ecological resilience across the landscape. This would include preparing the landscape for the safe reintroduction fire via forest thinning and developing a network of fuelbreaks, and prepared roadside and defensible space over the 116,692 acre project area.

The EPA supports the overall goals of the project. We recommend that the Draft EIS include detailed analyses of environmental effects to hydrology and water quality, jurisdictional waters of the U.S., soils, and air quality.

For the Draft EIS, the EPA is particularly interested in robust analyses of the potential impacts to water quality and how erosion and sedimentation rates would be managed to meet water quality standards over the course of implementing the Project. We also note that several water bodies downstream of the project area are listed as impaired for mercury under the Clean Water Act Section 303(d). Potential effects to mercury concentrations should be considered as well. In the enclosed detailed comments we have included recommendations for analyses of these issues, and other topics.

CEQ Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act have been revised and will apply to all projects with Notices of Intent initiated after September 14, 2020. EPA recommends that Forest Service identify in the Draft EIS which version of the regulations the Forest Service is applying to the NEPA analyses for this project.

We appreciate the opportunity to provide these scoping comments. When the Draft EIS is filed and released for public review, please notify me. If you have any questions, please contact me at (415) 972-3929 or hoffman.hugo@epa.gov.

U.S. EPA DETAILED COMMENTS ON THE SCOPING NOTICE FOR THE SOCIAL AND ECOLOGICAL RESILIENCE ACROSS THE LANDSCAPE PROJECT, TUOLUMNE COUNTY, CALIFORNIA - AUGUST 17,

2020

We offer the following recommendations for your consideration in the preparation of EIS for the Social and Ecological Resilience Across the Landscape (SERAL) Project (the "Project"):

Project Description and Alternatives

Please be as specific as possible in describing the management activities that would be implemented under the project and alternatives, the scope and intensity of activities that could occur, where they could occur, and the range of impacts that could result. For example, including detailed maps of proposed networks for fuelbreaks and road configurations would aid in impacts analyses for resoures such as water quality and habitat areas, even if the network may need to be modified in the future.

For subsequent projects that would be implemented under the overall proposed Project, please describe how NEPA compliance would be determined and documented.

Range of Alternatives

A robust range of alternatives includes options for avoiding significant environmental impacts and maximizing environmental benefits. Please clearly describe the rationale used to determine whether impacts of an alternative are significant or not. Develop thresholds of significance based on the context and intensity of the action and its effects. To the greatest extent possible, quantify the potential environmental impacts of each alternative (e.g. tons per year of emissions, linear feet of road, acres of road areas disturbed, loading rates of pollutants of concern).

We recommend the Draft EIS evaluate a range of reasonable management alternatives that will meet the goals and objectives of the purpose and need; address significant issues identified during scoping; and address resource and environmental needs and management concerns. For example, consider alternatives which have different management emphases such as wildlife, or sensitive and unique resource protection.

We also recommend contrasting the proposed Project with the different forest management approaches employed by the National Park Service, at Yosemite National Park, and the Forest Service, in adjacent areas of Stanislaus National Forest, leading up to the 2013 Rim Fire. It has been noted that these different management approaches led to differing wildfire intensities, and different impacts, across the landscape.

Road Alternatives

In determing the location of any new roads, we recommend consideration of criteria including safety; reduction of user conflicts; minimizing erosion potential; avoidance of adverse impacts on water quality, streams, riparian vegetation and other ecological and sensitive resources of the forest; and maintenance of habitat integrity. For roads that might be developed in new areas, consider the potential impacts to water quality from the new alignments. In the environmental document, please discuss ways to minimize the total disturbance area from new roads, especially in areas that previously have not had roads in them. These key issues could be used as screening criteria for the range of alternatives.

We further recommend the environmental document include consideration for closing and restoring existing roads that are causing damage to forest resources or conflicts with recreational users and other visitors, both to increase overall restoration and as mitigation to offset impacts from roads developed under the Project.

Alternatives to Pile Burning

The scoping notice mentions pile burning and other strategies for managing excess fuels, including the potential use of biomass for electric cogeneration plants. The EPA supports consideration of alternatives to traditional pile burning. In addition to those listed in the scoping notice, we also recommend mobile air curtain incinerators. According to a report prepared by Forest Service scientists with the Rocky Mountain Field Station, Fire Sciences Laboratory, emissions from prescribed burns averages 36 pounds per ton of particulate matter 2.5 micrometers or less in diameter (PM2.5), and emissions from pile burns 25.5 pounds, while the emissions from an air curtain incinerator creates only 1.1 pound per ton.

"No Action" Alternative

We recommend the environmental document clearly define the baseline and "No Action" alternative. For this Project, a "No Action" alternative may be best defined as no change to current management practices.

Environmental Consequences/Impacts

For each alternative, describe all potential impacts to ecological, aesthetic, historic, cultural, economic, and social resources and values, as well as potential health effects that could result. Describe impacts that could occur later in time or at a distance from the project site and which would not occur without the project. Discuss trends and other reasonably foreseeable impacts to resources and values that would potentially be affected by the project and analyze and disclose the potential for declining trends or other impacts to be exacerbated by effects from the project. Describe their significance.

The EPA offers the following recommendations for analyzing and disclosing impacts:

[bull] Include a description of the affected environment that focuses on each affected resource or ecosystem. Identify the affected environment through perception of meaningful impacts and natural boundaries rather than predetermined geographic areas;

[bull] Focus on resources of concern, i.e., those resources that are "at risk" and/or are significantly affected by the proposed project, before mitigation. Identify which resources are analyzed, which ones are not, and why;

[bull] Identify all other on-going, planned, and reasonably foreseeable projects in the study area. Where studies exist on the environmental impacts of these other projects, use these studies as sources for quantifying impacts;

[bull] Include appropriate baselines for the resources of concern with an explanation as to why those baselines were selected; and

[bull] When impacts occur in combination with other trends and reasonably foreseeable effects, discuss what mitigation may be implemented. Clearly state who would be responsible for mitigation measures and how mitigation implementation would be ensured.

In developing a list of past, present and future actions, include the other projects already analyzed by the Forest Service under separate documentation as well other projects in the area.

Monitoring and Mitigation

Identify and describe appropriate mitigation measures associated with the project, specifying which ones would be required by the Forest Service or another federal, state, or local agency. Explain how each measure would specifically mitigate the targeted impact, provide substantial detail on the means of implementing each mitigation measure, identify who would be responsible for implementing it, indicate whether it is enforceable, and describe its anticipated effectiveness.

We recommend that for each impact area, the Draft EIS describe the specific mitigation implementation thresholds, any mitigation implementation and effectiveness monitoring deemed necessary, and the criteria by which success would be determined once mitigation is fully implemented. Furthermore, for some mitigation measures, it may be necessary to describe the contingency planning and adaptive management options in place in the event that mitigation is found to be less than fully successful.

Clearly identify the monitoring and mitigation framework that will be used to ensure that adjustments to management that may be made do not cause undesirable effects beyond those analyzed in the EIS. Incorporate continued public involvement in monitoring via periodic publishing of monitoring results.

Water Resources

Provide a hydrologic characterization of the project vicinity and adjacent areas which could be affected by the Project, describing surface water quality, quantity, and flow regimes. Describe water quality standard and beneficial uses.

Discuss historical contamination within the affected watershed, the effectiveness and status of remediation activities, and potential effects to clean-up goals or progress from the proposed Project, if applicable.

Adverse effects to water quality could result from increased erosion due to land disturbance and reduced vegetation. Introduction of burned plant material can result in other water quality changes. In the analysis of effects to water quality, please quantify potential changes in water quality parameters, including basic and acidic ions, decreased oxygen level and increased biological demand. Discuss the potential for runoff to transport sediment or contaminants from disturbed areas.

Changes to flow regimes and flood intensities could result from reduced vegetation cover and changes to soil properties from prescribed burns. We recommend evaluation of effects to flood timing and peak flows, considering soil hydrophobicity changes after burns. Discuss potential changes to sediment yield and turbidity, and increased water temperatures.

The scoping notice briefly mentions use of the Service's "cumulative watershed effects" analysis under the Project. In the Draft EIS, we recommend substantial treatment be given to describing the ongoing analysis and management processes that would be used to manage water quality as well as their expected effectiveness.

Clean Water Act Section 303(d)

New Melones Reservoir, Lake Tulloch, and the Lower Stanislaus River are impaired waters downstream of the Project that do not meet water quality standards for mercury. We suggest that the Draft EIS discuss how the alternatives analyzed for the Project each may contribute to changes in mercury concentrations and include discussion of any mitigation measures that can be implemented to reduce pollutant loading or minimize further degradation, and commit to those measures required to avoid further degradation or improve water quality.

Clean Water Act Section 404

Describe how waters of the United States could be affected by the project alternatives and include maps that clearly identify jurisdictional waters within the project area, including "special aquatic sites" (40 CFR [sect]230.3(q-1)) such as wetlands. We recommend the environmental document include a description/inventory of potential stream crossings such as culverts, bridges and low water crossings, as well as potential manmade, temporary, non-native fish barriers, that could be required for the Project.

We recommend early consultation with the United States Army Corps of Engineers to determine CWA Section 404 compliance for actions such as stream crossings. If an Individual Permit will be required, the EPA recommends that the range of NEPA alternatives include the Least Environmentally Damaging Practicable Alternative, as would be required under the CWA Section 404(b)(1) Guidelines.

The EPA recommends that the alternatives analysis compare potential impacts and benefits to jurisdictional waters and special aquatic sites in terms of the acreages and stream channel lengths, habitat types, values, and functions of the waters that would be affected.

Air Quality

Describe existing air quality in the project vicinity. Discuss the National Ambient Air Quality Standards (NAAQS) applicable to air quality in the project area. Explain impacts to the NAAQS from projected emissions of the project and alternatives.

Summarize air pollutant emissions for each alternative, including criteria pollutants and hazardous air pollutants. Emissions sources include any off-site processing and support activities, such as direct emissions from vehicle traffic.

The Project would take place in a federal nonattainment area for ozone. The EPA recommends that the Forest Service coordinate with the Tuolumne County Air Pollution Control District on the proposed actions to ensure that the project moves forward in a manner that reduces air quality impacts to the greatest extent possible. We also encourage the Forest Service to coordinate with the District on tools for communication with communities on air quality status and planned prescribed burns.

Smoke Management Plans

In the environmental document, please discuss the current Smoke Management Plans for the area, as well as any modifications that may be necessary for the Project. Describe threshold conditions considered for prescribed burns and public notices requirements.

Permits

If new stationary equipment or processes would be developed for the Project, these equipment may be subject to Clean Air Act Title V operating permits, unless demonstrated as exempt. Please include a list of air permits that would be obtained under the Project and a discussion of likely permit requirements

General Conformity The EPA's General Conformity Rule, established under Section 176(c)(4) of the Clean Air Act, provides a specific process for ensuring that federal actions do not interfere with a state's plans to attain or maintain NAAQS. For any criteria pollutants in the air basin of the project area where the air quality status is in nonattainment or attainment - maintenance,1 complete a general conformity applicability analysis (i.e., a comparison of direct and indirect emissions for each alternative with de minimis thresholds of 40 CFR 93.153).2 We recommend including a draft general conformity determination, if applicable, in the DEIS to fulfill the public participation requirements of 40 CFR 93.156.

Class I Areas

Consider potential air quality impacts to Class I Federal Land Areas, including Yosemite National Park, and Emigrant, Mokelumne, and Hoover Wildernesses. Coordinate with the National Park Service on potential air quality impacts to Yosemite National Park that could result as part of the project. The methodology in the Federal Land Managers[rsquo] Air Quality Related Values Work Group (FLAG) 2010 Phase I Report - Revised3 may be useful for the analysis.

Coordination with Tribal Governments

Executive Order 13175

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (November 6, 2000), was issued in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, and to strengthen the United States government-to-government relationships with Indian tribes.

Describe the process and outcome of government-to-government consultation between the Forest Service and each of the tribal governments within the project area, issues that were raised (if any), and how those issues were addressed in the selection of the proposed alternative.

National Historic Preservation Act

Historic properties under the National Historic Preservation Act (NHPA) are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. Section 106 of the NHPA requires a federal agency, upon determining that activities under its control could affect historic properties, consult with the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO).

Executive Order 13007

EO 13007, Indian Sacred Sites (May 24, 1996), requires federal land managing agencies to accommodate access to, and ceremonial use of, Indian sacred sites by Indian Religious practitioners, and to avoid adversely affecting the physical integrity of such sacred sites. It is important to note that a sacred site may not meet the National Register criteria for a historic property and that, conversely, a historic property may not meet the criteria for a sacred site.

Address the existence of Indian sacred sites in the project area. Distinguish Executive Order 13007 Section 106 of the NHPA, discuss how the Forest Service will avoid adversely affecting the physical integrity of sacred sites, if they exist, and address other requirements of the Order.

Environmental Justice

We recommend that potential impacts be considered in the context of Executive Order 12898 for minority and low-income populations. Promising Practices for Environmental Justice Methodologies in NEPA Reviews4 may serve as a useful resource during the environmental review process. This document is a compilation of methodologies from current agency practices identified by the NEPA Committee of the Federal Interagency Working Group on Environmental Justice. The document focuses on the interface of EJ considerations through NEPA processes and provides recommendations on applying EJ methodologies that have been established in federal NEPA practice.

In the environmental document, discuss potential environmental justice concerns, such as air quality, water quality, noise, vibration, odors, etc. Include any environmental justice issues raised during scoping meetings. Clearly define the [ldquo]reference community[rdquo] and the [ldquo]affected community.[rdquo] These definitions are used to determine whether there are disproportionately high and adverse human health or environmental impacts by comparing the impacts to the affected community with the impacts to the reference community. A well-defined affected community will accurately reflect the demographic characteristics of the populations likely to be adversely impacted by the proposed project. A well- defined reference community will reflect the characteristics of the general population (e.g., municipal, regional, state).

The EPA[rsquo]s EJScreen is an online mapping tool that can aid the agencies in developing outreach for EJ

communities. The tool is available at https://ejscreen.epa.gov/mapper/.

In California, the EPA recommends the State[rsquo]s CalEnviroScreen to aid in further describing the vulnerabilities and existing environmental burdens of communities. CalEnviroScreen provides more detailed information as well as cumulative scores on pollution burden and population characteristics. More information, and the online tool, can be found at https://oehha.ca.gov/calenviroscreen.

If disproportionately high impacts to minority or low-income populations could occur, consider project alternatives and mitigation designed to specifically address those impacts.

Species and Habitat

According to the scoping notice, one of the purposes of the Project is to promote resilient and sustainable habitat for the California Spotted owl. We recommend specific consideration of potential impacts to other special status species, both adverse and beneficial.

The EPA recommends that the Forest Service coordinate with the United States Fish and Wildlife Service and the California Department of Fish and Wildlife to assist in analyzing any beneficial or adverse impacts to species that would be affected by the proposed project alternatives. Provide the most up to date information available with regard to consultation with the USFWS and the potential for impacts to special status species.

The Draft EIS should:

Identify all petitioned and listed threatened and endangered species and critical habitat, as well as State and Forest sensitive species, that might occur within the project area;

* Identify all species or critical habitat that could be impacted by each alternative;
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* Discuss the potential for habitat fragmentation and relevant mitigation measures;
* Depict old growth forest and discuss protection measures;
* Identify riparian areas and appropriate buffers;
* Include the biological assessment as an appendix, if one is prepared; and
* Summarize, or include as an appendix in the Draft EIS, USFWS[rsquo]s biological opinion if one is prepared; and
* Demonstrate that the preferred alternative is consistent with the biological opinion, if applicable.

Invasives Management
Please describe the risks for introduction of invasive plants within the area and how they would be managed under the Project.